THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 18669 of 1998

DATE: 29-03-2007

Between :

Vimal Pharma

... Petitioner

And

Andhra Pradesh Small Scale Industrial
Development Corporation Ltd.,
Rep., by its Managing Director,
Hyderabad and another.

... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 18669 of 1998

ORDER:

This writ petition is filed seeking a declaration that the action of the first respondent in allegedly withholding a sum of Rs.9.98,044.90 paise is arbitrary and illegal and contrary to G.O.Ms.No.181 Industries and Commerce Department, dated
09-04-1989.

In response to the Rule Nisi ordered, a counter affidavit has been filed on behalf of the first respondent stating that since the first respondent is under the process of voluntary winding up, most of the properties were disposed of and a few are yet to be sold. After completion of the said process, the Corporation can settle the amounts of all the creditors as prescribed in the Companies Act, 1956. It is further stated that if the petitioner makes an application proving his claim of alleged amount due to the tune of Rs.9,98.044.90 paise the same would be examined and considered on merits and his claim would be registered along with other creditors.

Having regard to the stand taken by the first respondent in its counter affidavit, without expressing any opinion as to the claim made by the petitioner, the writ petition is disposed of granting liberty to the petitioner to make his claim and register the same before the liquidator. In which event, the same shall be considered by the first respondent on merits in accordance with law. No costs.

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G. ROHINI, J

Dt.29-03-2007
KLP